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**OFFICE OF
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PATERNITY ESTABLISHMENT

The Role of Vital Records Agencies



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EXECUTIVE SUMMARY

PURPOSE

This report describes the participation of vital records agencies in State paternity establishment efforts, identifying barriers to participation and strategies to enhance involvement.

BACKGROUND

Welfare reform legislation requires that State vital records agencies offer voluntary paternity acknowledgment services to parents, receive copies of paternity acknowledgments and adjudications, and, if designated by their State, keep a central database of all paternity establishments. This report describes the role of vital records agencies in the paternity establishment process, using information from mail survey responses from all State vital records and child support agencies, as well as mail surveys and interviews with local child support administrators and staff in a selection of focus States.

FINDINGS

State Vital Records Agencies Believe Paternity Establishment Has Public Health Benefits, and Process and Record Paternity Information, While 35 Maintain a Statewide Database.

An overwhelming majority of vital records offices (46) perceive far-reaching public health benefits from paternity establishment which go beyond the objective of identifying fathers to gain child support. Forty-seven State vital records agencies report they accept, process and record paternity establishments. Thirty-five maintain a Statewide electronic paternity database, with others citing they lack staff, money, and automated systems to attempt this task.

Local Vital Records Offices in Most States (42) Offer Acknowledgment Services to Parents, But Implementation Is Often Not Statewide and the Level of Service Varies Considerably.

State child support and vital records agencies in 42 States report parents may receive voluntary paternity acknowledgment services at local vital records offices, but implementation is Statewide in only 28 States. Many local vital records offices only distribute forms and do not provide oral notification of rights and responsibilities, as well as other personal services to parents.

Vital Records Offices May Not Receive Paternity Establishment and Rescission Information.

States may have no formal process for transferring paternity establishment information to vital records agencies, and a quarter of States only change birth records at parents' request. Vital records agencies report they are concerned that they may not receive paternity information from courts (27 States) and child support offices (12 States). Consequently, birth records within the vital records agency may be inaccurate and create long-term problems for parents and children.

State Child Support Agencies Rate Vital Records Agencies Favorably in Transferring Information, But Local Child Support Offices in Focus States Report Difficulty.

State child support agencies in 34 States rate their State vital records agency as excellent or good in the transfer of information. However, 42 percent of local child support offices in focus States report retrieving data from vital records agencies is difficult. The method of receiving paternity information (by request, in batches or on-line) appears to have no real impact on ease of process.

Agency Efforts to Collaborate Have Been Modest, With Child Support Agencies in 22 States Creating or Enhancing Their Own Statewide Electronic Paternity Database.

Many State child support and vital records agencies have still not made broad efforts to collaborate, or have abandoned initial efforts. Twenty-two State child support agencies operate their own Statewide electronic paternity database. The 12 States which report few barriers do not have unique procedures, but appear to have a stronger commitment to working together.

RECOMMENDATIONS

OCSE Should Promote Notification of Vital Records Agencies When Paternities are Established or Rescinded, and Encourage Automatic Amendment of the Birth Record.

OCSE should promote State commitment to uniform methods for transferring paternity information to vital records agencies. In States which amend the birth record only upon parent request, OCSE should encourage vital records agencies to accept official administrative or judicial paternity actions as a basis for amending their birth records.

OCSE Should Promote State Training of Local Child Support Staff on Methods of Retrieving Data from Vital Records Agencies, and Promote Use of Vital Records Agency Information.

Even in States which have designated their vital records agency the repository for paternity records, local child support staff may not attempt to retrieve information from vital records agencies because they are unaware of procedures involved or resources available. OCSE should promote use of vital records systems by assisting States to train child support staff.

OCSE Should Encourage States to Make Training and Materials on Acknowledgment Procedures Created for Hospital Staff Widely Available to Local Vital Records Agency Staff.

States may enhance parent accessibility to voluntary paternity acknowledgment by offering services in local vital records offices. Due to lack of staff training and awareness, parents may not receive proper guidance. OCSE should request that States make training and materials already prepared for hospital staff more widely available to local vital records offices.

AGENCY COMMENTS

The Administration for Children and Families (ACF) concurred with our recommendations.

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INTRODUCTION

PURPOSE

This report describes the participation of vital records agencies in State paternity establishment efforts, identifying barriers to participation and strategies to enhance involvement.

BACKGROUND

Federal Guidance

Welfare reform legislation expanded on previous law to further encourage State child support agency collaboration with vital records agencies to improve paternity establishment efforts. The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 required vital records agencies to offer voluntary paternity acknowledgment services, using the same procedures as birthing hospitals. The Act mandated that State child support agencies provide training and materials to facilitate these services, and monitor participation. The Act also required States to designate an entity to which they must submit voluntary paternity acknowledgments and adjudications of paternity by judicial or administrative processes for comparison with information in the State case registry. OCSE proposed regulations that this entity must be the State registry of birth records. Information used in this report was collected during the comment period of these proposed regulations.

Final rules submitted by OCSE following our data collection allow greater State discretion to determine the level of involvement by vital records agencies in paternity establishment efforts. These rules clarify that while State vital records agencies must offer voluntary paternity acknowledgment services to parents, no such requirement is placed on local vital records offices run by counties or municipalities. To increase parent accessibility to paternity acknowledgment, States may still require their local offices to offer these services. The final rules also allow for States to designate an entity other than their State vital records agency to serve as the required central repository of paternity documentation, as long as copies of all paternity acknowledgments and judicial or administrative paternity adjudications are filed with the State vital records agency.¹ However, to capitalize on document storage and retrieval mechanisms already in place, many States may designate their vital records agency to maintain the required Statewide paternity database.

Study Objective

Since welfare reform, most State child support agencies have made efforts to collaborate with their State vital records agency in establishing paternities and storing paternity information. Collaboration potentially has mutual benefits, in that it may conserve documentation resources and promote the accuracy of State birth records. This report describes the participation of State vital records agencies and local offices in paternity establishment efforts. It characterizes the working relationships of child support and vital records agencies, outlines significant barriers to effective agency interaction, and analyzes strategies States use to overcome barriers.

Requesting that vital records agencies participate in Federally-mandated programs can be challenging for States. State vital records agencies have no Federal counterpart which regulates their policies and practices, and they may not be responsive to Federal legislation which regulates other State agencies such as child support enforcement. Vital records agencies are likely to receive Federal funds only as payment for services such as providing birth and death data to the National Center for Health Statistics. Vital records agencies are, however, dependent on State funding, since fees charged to the public rarely meet their operating expenses. In order to receive assistance in meeting Federal mandates, child support agencies may have to appeal to reluctant vital records agencies using political pressure based on State funding streams. One State registrar reported, *“The child support agency can’t force us to come on board just because the Feds say we should. In order to get us to spend our time and resources, the [child support] director had to lean on the governor, who in turn leaned on us.”*

METHODOLOGY

Information for this report comes from mail surveys to the primary State vital records office and child support enforcement office in all 50 States and the District of Columbia (100 percent response rate). To provide insight on local-level implementation of State policies, we also surveyed by mail a selection of local child support offices in six focus States: California, Georgia, Illinois, New Jersey, Texas and Virginia. Offices within these States were selected to provide a mix of urban, suburban, mid-size and rural locations.² We received completed surveys from 99 local child support offices, representing an 80 percent response rate. Further, we conducted on-site interviews with administrators and front-line staff in four local child support offices within each focus State, visiting offices within one or two cities and their surrounding areas in each focus State.³ We also requested supplementary documentation including copies of State voluntary paternity acknowledgment form(s), and public outreach materials.⁴

We purposively selected the focus States by reviewing the following criteria: non-marital birth rates by State and locality, State Paternity Establishment Percentages (PEP), percentage of child support cases with support orders, status of voluntary acknowledgment programs, operations and certification status of automated systems, outstanding program characteristics, status as State-administered or county-administered, and geographic region. Our focus States represent a fairly broad spectrum of implementation strategies and experiences. The selection of focus States does not purport to be representative of the nation. It does, however, allow for examination of paternity establishment processes under conditions found throughout the country.⁵

This study was conducted as part of a larger project on State paternity establishment practices. Data collection focused primarily on establishment procedures outside birthing hospitals. Companion reports discuss the use of voluntary acknowledgment forms, genetic testing, and other administrative and judicial methods of paternity establishment.

This study was conducted in accordance with the Quality Standards for Inspections issued by the President’s Council on Integrity and Efficiency.

FINDINGS

AGENCY COLLABORATION

Most State Vital Records Agencies Believe Paternity Establishment Has Public Health Benefits Beyond Child Support Enforcement, and View it as Important to Their Mission.

An overwhelming majority of vital records offices (46) perceive far-reaching benefits from paternity establishment which go beyond the objective of identifying fathers to gain child support. However, about half of the respondents who view establishment efforts as beneficial to general public health qualify this opinion by stating they still see child support enforcement as the primary objective. Because these agencies are often housed in State public health divisions, their agency mission is often to provide information to promote family health. Knowing the identity of a child's father may be beneficial in tracking family illnesses and hereditary disorders. Additionally, vital records offices are tasked with keeping accurate records on all State residents. The most important of these records are birth, death, and marriage. The desire to preserve the validity of their State's birth certificates is at the heart of the willingness of vital records' agencies to participate in paternity establishment efforts. Repeatedly, vital records agency staff express concern about protecting the sanctity of the birth record and maintaining its accuracy.

Only five State vital records agencies report they see no general public health benefit to increasing the number of paternity establishments, indicating they help with these efforts only due to child support mandates. Agencies in these States, though, often have the most highly developed and responsive paternity establishment programs. Although they do not perceive establishment efforts as inherent to their agency's objectives, they accepted the responsibility in order to keep a firm hand in matters of public record. Most State vital records agencies (40) also claim that paternity establishment is important or very important to their overall mission.

Nearly All Vital Records Agencies (47) Process and Record Paternity Establishments, and 35 Maintain a Statewide Electronic Paternity Database.

Forty-seven State vital records agencies report they are responsible for accepting, processing and recording paternity establishments. Many of these establishments come in the form of voluntary acknowledgments from hospitals. Vital records agencies typically receive and process paternity acknowledgments directly from hospitals at the same time as birth certificate information. This exchange is valuable to child support efforts, because it ensures that at-birth paternity establishments are recorded in original birth records.⁶ Thirty-five State vital records offices currently maintain a Statewide electronic database either separate of their birth registry or connected to the birth registry but with additional data elements. However, agencies in five of these States automatically store only voluntary paternity acknowledgments, and not paternities established through other methods. The remaining 17 State vital records agencies do not store paternity information electronically. When they receive a request for paternity records from parents or child support staff, they are likely to rely on birth certificate information from their traditional birth registry.

Some vital records agencies suggest it would be easier, faster, and cheaper for child support staff to simply request birth records as a parent would, receiving paper copies through mail or fax. A problem exists because the paternity acknowledgment form often contains more information than a birth certificate and therefore requires separate, or at least enhanced, data entry and retrieval. Therefore, twenty-four State vital records offices report that participating in paternity establishment programs is at least somewhat burdensome, while most of the remaining States (20) claim their role does not create a major burden. Those States which report difficulty are split evenly among States which have centralized paternity databases and those which do not. One State registrar who has operated a Statewide database for several years says that management of the information has become easier over time.

State Child Support and Vital Records Agencies Report Better Relationships, But Contact is Limited Between Vital Records Agencies and Local Child Support Offices in Focus States.

Thirty-six State vital records agencies describe their relationship with their State's child support agency as effective or very effective, with most of the remaining agencies reporting their relationship is at least somewhat effective. State child support responses matched these almost exactly, with 38 States reporting an effective or very effective relationship. These opinions represent an improvement over those provided in our 1997 in-hospital study, when most vital records agencies rated their interaction with child support as somewhat ineffective.⁷ State agencies are communicating more often, and appear to be better informed regarding the others' role and responsibilities. States describing their relationship as ineffective are more likely to lack contact with the other agency rather than to be at odds. As documented in our companion report, Paternity Establishment: Payment to Vital Records Agencies (OEI 06-98-00056), child support agencies also increased their payment to vital records agencies for paternity-related services.

Regardless of the State-level relationship between the two agencies, the participation of individual vital records offices depends at least somewhat on the commitment and attitude of local staff and administrators in both agencies. A quarter of local child support offices (24 percent) in our focus States had no contact at all with their local vital records agency, although child support agencies in all of the focus States reported at the time of data collection that they used their vital records agency as the central repository for paternity documentation. Reported contact may have been low in part because local requests for paternity information directed to their State child support office were fulfilled through vital records without their knowing its source. Of the 76 percent of child support managers in focus States who claim to have any relationship with vital records, half view the relationship as effective and half as ineffective.

Use of Judicial Procedures to Establish Paternity May Inhibit Agency Collaboration.

Although welfare reform legislation requires States create and implement a "simple, civil process" for paternity establishment, child support agencies in 26 States report that the courts still play a significant role in paternity establishment. These States may have difficulty reducing court involvement due to long-standing court-based systems, or because the child support agency is housed within a State law enforcement agency. Child support agencies in 12 of these 26 States appear to have little contact with their vital records agency. Local child support offices in these

States may not attempt to contact their State or local vital records agency for paternity and birth records, not because the vital records agency is unresponsive, but because they do not yet rely on administrative records, including voluntary acknowledgments, to establish paternity.

Child support staff might use a voluntary acknowledgment form brought into the office by a parent as a “*worksheet*” for providing information about the putative father, but may not treat it as a legal finding of paternity, regardless of the Federal mandate. Instead, they often create an Administrative Order of Paternity which may go through the courts for approval, or prepare court documents for a future hearing.⁸ However, both vital records and child support agencies may not receive paternity establishment information from the courts.

PATERNITY SERVICES TO PARENTS

Local Vital Records Offices in 42 States Offer Acknowledgment Services to Parents, But Implementation Is Not Statewide and the Level of Service Varies Considerably.

Although participation by local vital records offices is not required by Federal law, State child support and vital records agencies in 42 States report parents may receive voluntary acknowledgment services at local vital records offices. These services include making available voluntary paternity acknowledgment forms, written and oral notification of parental rights and responsibilities, and personal assistance to clients in completing acknowledgment forms. If notarization is required in their State, local vital records offices may also make this service available. Twenty-eight of these 42 States report full Statewide implementation, with the other 14 States offering acknowledgment services at some, but not all, local vital records offices. The remaining ten States have not yet attempted to offer on-site services.

Even in local vital records offices offering services to parents, the level of service varies widely and may be limited to distributing forms. While visiting local child support offices in focus States, we visited a number of vital records offices to inquire about voluntary acknowledgment services. Some staff were quite prepared, offering personal assistance and even videotapes, but staff at other offices had to dig out a brochure from deep in a drawer or refer us to other, larger vital records offices. Local offices may have only one or two staff members who are familiar with voluntary paternity acknowledgment procedures. If these people are absent or busy, a parent may not receive services from a participating office.

Table 1 reports State child support agency responses regarding paternity acknowledgment services offered by vital records offices in their State. Child support agencies in 25 States report they track the paternity acknowledgment services offered by vital records offices, and agencies in 24 of these States are also attempting to evaluate the services. In evaluating in-hospital voluntary paternity acknowledgment programs, child support staff typically record the number of acknowledgments completed at each facility and compare that number to the total non-marital births which occurred at the facility over a certain time period. Evaluation of vital records offices and other social service entities may be more difficult, because it is harder to gauge total parent contact and the number of potential acknowledgments.

TABLE 1: Number of States in Which Particular Services Are Reportedly Offered at Local Vital Records Agency Offices⁹	
SERVICE	STATES
Paternity Acknowledgment Forms Available	42
Outreach Materials Available	36
Personal Assistance in Completing Forms	34
Completed Forms Accepted and Sent to Child Support	32
Oral Notification of Parent Rights Provided	25

To enhance acknowledgment efforts in other local social service offices, vital records agencies in 15 States provide outreach materials and acknowledgment forms to other entities offering services to parents, such as schools and health clinics. Our study of in-hospital voluntary paternity acknowledgment programs found that vital records agencies in 34 States provide training and materials to assist hospital staff in facilitating voluntary acknowledgments as part of their training in the birth registration process.¹⁰

Half of State Vital Records Agencies Are Attempting to Provide Oral Notification of Parental Rights and Responsibilities When Assisting With Voluntary Paternity Acknowledgment.

When we surveyed vital records offices in 1996 for our study of in-hospital practices, half of the State vital records agencies reported they were not aware that parents must receive notice of their rights and responsibilities when they voluntarily acknowledge paternity. This was significant because vital records agencies were often responsible for helping to train hospital staff in voluntary acknowledgment procedures. Understanding about this Federal requirement has not improved. Twenty-five State vital records agencies currently report that their own staff are not obligated to provide oral notification of rights and responsibilities when parents sign acknowledgments at local registry offices, which corresponds with the number of States reported by child support agencies in Table 1. Even in States where the Federal mandate to provide oral notice is recognized, State offices report vital records staff are largely uncomfortable with the task and sometimes do not provide oral notice due to lack of time. We discuss these issues in more detail in our companion report entitled Notification of Parental Rights and Responsibilities for Voluntary Paternity Establishment (OEI 06-98-00051), and conclude that most State and local vital records offices either do not understand the requirement or do not make it a priority.

RECORDING AND STORING PATERNITY INFORMATION

Lack of Staff, Money and Automation Inhibit Creation of Paternity Databases, and Birth Registries May Not Contain Enough Information to Meet Child Support Agency Needs.

Proponents of vital records agencies' involvement in paternity establishment efforts argue that maintaining paternity information is not a burden because the agencies already keep birth records. Vital records offices are experienced at managing large databases and maintaining accurate

records, and these agencies have an inherent incentive to make sure their birth records contain information on paternity establishments. State vital records agencies, however, suggest that short staffing (38 States), inadequate funding (35 States), and lack of automation (22 States), particularly in rural areas, may prevent them from creating and maintaining such systems. Additionally, it is likely that their current birth registry will contain only the data elements included in a traditional birth certificate, and not those Federally mandated to be included on the paternity acknowledgment form.¹¹ Some States have been able to add these data elements into the electronic record of the birth certificate, and may then simply attach the paternity affidavit to the birth certificate for paper records. However, adding data elements to official birth records increases data entry time and agency cost, and usually requires State legislative action.

Another issue is that the birth certificate does not conclusively establish paternity in the same way as a paternity acknowledgment affidavit.¹² Therefore, a copy of the paternity affidavit is necessary for child support staff to create a support order. A local child support manager in one of our focus States explains this issue:

“The birth certificate is not the main thing. It is the declaration of paternity (voluntary acknowledgment form) itself that matters as legally establishing paternity. The birth certificate is just changed to reflect what occurred on the declaration [of paternity]. Sometimes paternity is acknowledged and the birth certificate never gets changed.”

Vital Records Agencies May Not Receive Paternity Information from Courts and Child Support Agencies, and a Quarter of States Only Change Birth Records at Parents’ Request.

Welfare reform mandates that paternity documentation be sent to vital records agencies, regardless of whether they are designated the State’s paternity repository. The accurate and timely transfer of information on establishments from hospitals, child support agencies, and courts to vital records agencies is critical to the ability of vital records agencies to effectively process and store data, and to maintain birth records. The OCSE Annual Report to Congress indicates that, nationally, about one-third of paternities are established through in-hospital programs.¹³ Therefore, in States where the vital records agency regularly receives paternity information only from hospitals, a majority of the State’s paternity establishments may not be recorded in the vital records database.

Other than voluntary acknowledgments completed at hospitals, vital records agencies, and other alternative sites, most paternities are established through child support offices or the courts. Vital records agencies in 12 States report they are concerned that the child support office is not consistent in providing paternity establishment information to vital records offices, and the problem is apparently more prevalent for paternities established judicially. Twenty-three State vital records agencies report they have concern that their courts do not consistently provide paternity information. Many court systems are not highly automated, and may never have created uniform procedures for adequately transferring information. They may rely on paper documentation which is relayed late, if at all, to vital records offices, and nearly always bypasses the child support enforcement agency. As one State registrar notes, *“We are contacted by parents who expect that paternity information has been added to their child’s [birth] certificate, yet the vital records office has had no notification from the court.”*

When a paternity is established outside the hospital after the birth record has been entered, vital records agencies must amend the record to reflect the new information. Yet, vital records agencies in 13 States only amend the birth record at the parents' request. Typically, parents must complete a birth amendment form containing no errors, and also submit payment of approximately 20 dollars. Unless parents in these States take this initiative to notify vital records, the official birth record will retain the original father's name or remain blank if the parents did not acknowledge paternity at the hospital. One vital records agency respondent wrote, "*The parents must notify us of these establishments, and often they don't know to do so.*"

Although the Incidence of Rescissions is Low, There is a Problem With Vital Records Agencies Not Being Notified When Parents Rescind Voluntary Paternity Acknowledgments.

Welfare reform regulations allow parents to rescind voluntary paternity acknowledgments within 60 days of signing an acknowledgment or prior to the establishment of a child support order, whichever is shorter. We reported in 1996 that the number of rescissions was very low, and our current data indicates that rescissions are still infrequent.¹⁴ Thirty-nine State vital records agencies and 35 State child support agencies report few or no rescissions. Two States do report handling more than a few rescissions, yet still report the number to be fairly small. Nonetheless, some vital records and child support respondents express concern that the increase in voluntary paternity acknowledgments might eventually cause an increase in requests for rescission.

Forty-five State vital records offices report having a procedure for rescinding voluntary paternity acknowledgments, but these procedures are implemented unevenly and vital records offices may not be informed of needed changes to the birth record when a rescission occurs. Whether the rescission process is fully administrative (18 States), conducted by the courts (15 States), or a quasi-administrative procedure requiring some sort of judicial approval (6 States), child support agencies and courts sometimes do not notify vital records agencies of rescissions. When this failure occurs, the State registry houses inaccurate birth records, which can have long-term consequences for the parents and child. Vital records agencies in 11 States report they do not receive rescission information unless the parents happen to request an amendment of the birth record, and most others appear to have no formal method to ensure notification. Twenty-one State vital records agencies confirm they change the birth record automatically when notified of a rescission, while the remaining require additional action on the part of parents or courts.

PROVIDING PATERNITY INFORMATION TO CHILD SUPPORT ENFORCEMENT

State Child Support Agencies Rate Vital Records Agencies Favorably in the Method and Timeliness of Information Transfer, But Local Offices in Focus States Report Difficulties.

Thirty-four State child support agencies rate the effectiveness of the method used by their vital records agency for transferring information as excellent or good, and 32 State child support agencies rate the timeliness with which they receive paternity information from vital records as excellent or good. Only two State child support agencies rate these qualities as poor. However, 42 percent of local child support offices in our focus States report paternity information is difficult to obtain from vital records offices. During interviews, caseworkers complained that the meticulous standards and outdated processes of vital records offices inhibit their ability to get the

paternity information they need. Staff in some offices also complained that vital records agencies are slow to update central databases, often making information outdated.

Another problem may be that, for several reasons, local child support staff are not attempting to access information from State or local vital records agencies. It may be that workers are reluctant to learn new procedures (particularly if they require computer skills), or that local managers have not encouraged queries of vital records data. Child support staff may also have made requests months or years ago that were not met, and may not be aware that their State's vital records system has been updated and improved. A local child support agency "paternity specialist" in one of our focus States had no information about how to access records from the State registry, although her State vital records office offered both on-line access and paper copies by request. Another caseworker in a focus State reports, "*We might try and get a copy from another county or from the registry, but usually it is easier and faster to just do another [acknowledgment].*" This practice wastes time and effort by duplicating an existing paternity establishment, and may cause future problems when a father named on the birth certificate is not a party to the new action and is not notified that he has been replaced as the legal father.

Child Support Agencies Receive Paternity Information Most Often In Batches or By Individual Request, But An Increasing Number of States are Attempting On-Line Access.

Vital Records Agencies Are Often Inconsistent When They Attempt to Send All Acknowledgments to Child Support Offices in Batches.

About a third of States (18) have tasked their local vital records offices with automatically sending all acknowledgments completed in their area to the local child support office. This information may be sent electronically but is more often shared by mailing paper copies of acknowledgment affidavits. In several local offices we visited, child support staff received notice of the names of parties involved in local paternity acknowledgments by electronic prompt or "morning mail" on their computer network system, in addition to receiving paper copies. Batch transfers generally only include information for paternities established within the local area, while child support staff may need information regarding paternities established elsewhere.

Procedures for sending batches of paternity acknowledgments to local offices may be inconsistent. Local staff we contacted in half the offices receiving batch files maintain that they do not receive acknowledgments regularly. A local child support office administrator claims to have received only a handful every few months, "*when the workload slows down periodically at the local registry office.*" Because workers receive information sporadically, and are unsure that the data they receive is complete, they often do not rely on this information to establish paternity and only use an acknowledgment form if the mother brings it into the office. Finally, vital records agencies often only send information about voluntary acknowledgments, and possibly only those completed in hospitals, omitting any paternities established through other methods.

Child Support Agencies May Experience Delays When Information is Sent by Request, and Some Find it Easier to Request a Birth Certificate Than a Paternity Acknowledgment.

When State or local vital records offices send paternity information only when requested by child support offices, instead of automatically, timeliness is the biggest problem. Twenty-two States rely primarily on this method, and child support administrators in over half of those States (12) report that waiting for these records significantly slows the process of establishing paternity and creating a child support order. States report receipt of requests takes from six days to eighteen months, but the average appears to be between 30 and 60 days. Twenty-seven States, however, do not consider timeliness of receipt a problem. One local child support administrator in one of our focus States reports, *“It may take a couple weeks or a month to get information from the vital records office, but this is not very long in the scheme of things.”*

Some local child support staff we contacted report that it is often faster to order a birth certificate from vital records than a paternity acknowledgment affidavit. Although birth certificates do not usually contain as much information to assist in locating fathers and in most cases cannot serve to conclusively establish paternity, they can be used as evidence to establish paternity through other methods. This means, however, that staff may establish paternity twice. Because all States now require that a father must sign a paternity acknowledgment to have his name on the birth certificate, an acknowledgment must already exist which, by Federal law, conclusively establishes paternity. Even birth certificate records can be hard to come by, though, when vital records offices are backlogged with requests. Requests from child support staff may not be prioritized over other requests, and delays can be significant. Local child support staff we contacted report, for example, *“We first try to get the birth certificate from the mother or the public assistance office, because it takes too long to make a request [of the vital records office].”*

Nineteen State Child Support Agencies Have On-Line Access to Vital Records Databases, But Some of Their Local Child Support Offices Do Not Utilize This Access.

In 19 States, child support staff in at least some local offices have on-line access to the vital records agency database. We estimate that 12 to 15 of these States have fully functional systems which allow child support staff to view birth records from their own computer terminal as soon as the births are registered. These programs are largely successful in providing paternity establishment information faster so that child support staff can more easily create an order for support. Proponents of on-line access extol its advantages, such as eliminating the need for vital records staff to pull records upon request, and giving child support staff more control over this important information. However, even in some States with on-line technology, some local staff report not using this information because it is not updated consistently or in a timely manner.

Child Support Agencies in 22 States Created or Enhanced Their Own Statewide Paternity Databases, and Use Them Either in Lieu of, or in Addition to, any Vital Records Database.

Twenty-two State child support agencies have in-house electronic paternity databases that contain Statewide data, and in another eight States some local offices maintain decentralized electronic paternity databases. These States may have developed their own effective paternity recording and storage methods prior to Federal encouragement of vital records involvement and are reluctant to

switch, or have attempted to access information from vital records agencies and been frustrated by delays or incomplete records. Despite the possibly redundant efforts, one worker described preferring to “*deal with the devil you know, rather than the devil you don’t know.*” Among the 30 States with some sort of paternity database maintained by the child support agency, 18 of their State vital records agencies also have a centralized paternity database, which appears to be a duplication of effort. As mentioned, however, vital records databases may include only voluntary paternity acknowledgments, excluding paternities established through courts or other methods. Child support agencies in at least some of these States appear to use both databases. Staff may check their own on-line system for a paternity establishment, and not finding one, make a request to vital records while still working to complete an Administrative Order of Paternity or judicial finding. If they receive a copy of a voluntary paternity acknowledgment from vital records prior to completion of these other efforts, they use the acknowledgment to move forward in creating a child support order.

Some States appear to have attempted more advanced methods for sharing information during the initial national push to establish more paternities, but have since abandoned these methods because of difficulties. The child support agency in at least one county-administered State, for example, has hired a private company to process, store, and retrieve voluntary paternity acknowledgments because local offices were experiencing retrieval delays of up to 18 months. The program is too new to evaluate its effectiveness, but the State child support office reports the cost of the vendor was similar to retrieval costs formerly paid to the vital records agency. The vital records office in this State still corrects and modifies birth certificates, which, according to the chief registrar, “*in most instances involves a court order and is controlled by our State statutes dealing with the birth registration process and not with the voluntary paternity adjudication process.*”

Agency Efforts to Collaborate Have Been Modest, and States Experiencing the Fewest Problems Appear to Have Made Stronger Commitments.

When Federal legislation in 1993 began to focus more attention on increasing paternity establishments through administrative methods, State child support agencies were encouraged to view paternity establishment as a public health initiative and to work in partnership with other State agencies, particularly vital records agencies, to meet the new establishment goals. However, often we see the two State agencies collecting, processing and reporting paternity information separately, which causes a number of potential problems. At worst, they may be using conflicting information because courts or the child support agency have taken action without notifying the other entities. At best, they may be duplicating efforts and wasting resources. Many State child support agencies have still not made broad efforts to collaborate or have abandoned their initial efforts in favor of self-reliance. State practices that largely circumvent vital records agencies by contracting a private vendor to record, store and retrieve paternity information could become a bellwether for the future. In States which began strategies to collaborate and have yet to achieve even limited success, child support staff may be reluctant to devote any more time to refining the process.

There does not appear to be a magic formula for successful collaboration. We identified 12 States in which both agencies consider themselves to have effective relationships, relying on each other to provide accurate and timely paternity information, and voicing few complaints about each other's efforts. In studying States which report the fewest barriers, no procedural patterns emerge. These States have systems and procedures similar to other States which are experiencing difficulty in working together. The difference appears to be in the level of commitment by administrators and staff to making these processes work effectively. For example, two States might have similar systems for mailing batch files of paternity establishments to their local child support offices, but vital records office managers in one State insist that it is done each week while consistent transfer is not a prioritized in another State. Perfecting collaboration between these large and dissimilar State agencies understandably takes time, but there are inherent advantages. Working together effectively will likely improve the accuracy of birth records held by both agencies, and ensure more efficient use of resources. To achieve success, States may have to revise their strategies or simply better enforce implementation of their initial framework for collaboration, emphasizing long-term systemic progress over short-term results.

RECOMMENDATIONS

OCSE Should Promote Notification of Vital Records Agencies When Paternities are Established or Rescinded, and Encourage Automatic Amendment of the Birth Record.

OCSE should promote State commitment to uniform methods for transferring paternity information to vital records agencies. In States which amended the birth record only upon parent request, OCSE should encourage vital records agencies to accept official administrative or judicial paternity actions as a basis for amending their birth records.

OCSE Should Promote State Training of Local Child Support Staff on Methods of Retrieving Data from Vital Records Agencies, and Promote Use of Vital Records Agency Information.

Even in States which have designated their vital records agency the repository for paternity records, local child support staff may not attempt to retrieve information from vital records agencies because they are unaware of procedures involved or resources available. OCSE should promote use of vital records systems by assisting States to train child support staff.

OCSE Should Encourage States to Make Training and Materials on Acknowledgment Procedures Created for Hospital Staff Widely Available to Local Vital Records Agency Staff.

States may enhance parent accessibility to voluntary paternity acknowledgment by offering services in local vital records offices. Due to lack of staff training and awareness, parents may not receive proper guidance in completing voluntary paternity acknowledgments in local vital records offices. OCSE should request that States make training and materials already prepared for hospital staff more widely available to local vital records offices.

AGENCY COMMENTS

The Administration for Children and Families (ACF) concurred with our recommendations and requested additional information, which we will provide.

ACF's comments are provided in their entirety in Appendix A.

ENDNOTES

1. States may choose to designate the child support agency itself or a private vendor as the repository of paternity documentation.
2. These State and local offices were not randomly selected and their responses should not be interpreted as representative of all local offices in the nation or even within their own State.
3. The availability of OIG agency support staff to assist in conducting interviews played a role in selection of these interview sites.
4. Although vital records agencies work with birthing hospitals in recording voluntary paternity acknowledgments completed at birth, we did not contact hospitals for this study. We completed a extensive analysis of birthing hospital participation in voluntary paternity acknowledgment programs in 1997 (OEI-06-95-00160 and 00161), which includes information about vital records agency involvement in training and collaborating with hospital staff.
5. The six focus States comprise 31 percent of total U.S. births, 32 percent of total U.S. non-marital births, 32 percent of total U.S. IV-D cases, 26 percent of total U.S. IV-D cases with child support orders, and 27 percent of total U.S. IV-D cases with child support collections. The collective non-marital birthrate of the focus States is almost identical to the national average (32.0 percent vs. 32.4 percent), with somewhat lower, but comparable, rates for the percentage of IV-D cases with support orders (47.3 percent vs. 57.3 percent), and the percentage of cases actually collecting support (16.4 percent vs. 19.4 percent). Comparison data comes from the OCSE 21st Annual Report to Congress and the National Center for Health Statistics.
6. Welfare reform legislation mandates that a father must sign a voluntary acknowledgment of paternity before his name can be included on the birth certificate.
7. In-Hospital Voluntary Paternity Acknowledgment Program: State Agency and Birthing Hospital Implementation (OEI-06-95-00160).
8. We provide more information about administrative and judicial paternity establishment in our reports Paternity Establishment: Use of Voluntary Paternity Acknowledgments (OEI 06-98-00053) and Paternity Establishment: Administrative and Judicial Methods (OEI 06-98-00050).
9. As mentioned, these services are reported to be offered Statewide in 28 States and in only some local vital records offices in another 14 States.
10. OEI-06-95-00160.
11. Data elements States must include on their voluntary paternity acknowledgment affidavits are: current full name, address, social security number and date of birth of the mother and father; current full name, date of birth, and birthplace of the child; brief explanation of the legal significance of signing the acknowledgment and a statement that both parents have 60 days to rescind the acknowledgment; a clear statement signed by both parents indicating that they

understand that signing the acknowledgment is voluntary and that they understand what their rights, responsibilities, alternatives and consequences are; signature lines for the mother, father, and any witnesses or notaries. This information is contained in 62 Fed. Reg. 39246.

12. Federal law does not preclude the use of the birth certificate rather than a separate affidavit for paternity acknowledgment if the birth certificate contains the necessary data elements, but all States have chosen to develop separate voluntary paternity acknowledgment forms.

13. In our prior study of in-hospital voluntary paternity acknowledgment programs, both hospitals and vital records agencies reported highly effective methods of transferring paternity documentation when acknowledgment took place in the hospital (OEI-06-95-00160).

14. OEI-06-95-00160.

APPENDIX A



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Office of the Assistant Secretary, Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

DATE: July 22, 1999

TO: June Gibbs Brown
Inspector General

FROM: Olivia A. Golden *Olivia A. Golden*
Assistant Secretary
for Children and Families

SUBJECT: Comments on the OIG Draft Reports on Paternity Establishment--State Use of
Genetic Testing (OEI-06-98-00054) and the Role of Vital Records Agencies
(OEI-06-98-00055)

Thank you for the opportunity to comment on these reports. If you have questions, please contact David Gray Ross, Commissioner, Office of Child Support Enforcement, at (202) 401-9370.

Attachment

Comments of the Administration for Children and Families on the Office of Inspector General's Draft Reports on Paternity Establishment—State Use of Genetic Testing (OEI-06-98-00054 and the Role of Vital Records Agencies (OEI-06-98-00055).

General Comments:

The Federal Office of Child Support Enforcement (OCSE) thanks the Office of Inspector General (OIG) for the opportunity to comment on these two draft reports.

Background:

Paternity establishment is a crucial step to establishing a legal relationship between a child and father. Paternity establishment can provide basic emotional, social, and economic ties between a father and his child. It can also provide a child with legal rights and privileges including rights to inheritance, rights to a father's medical and life insurance benefits, social security and possibly veterans' benefits. It also provides a child the opportunity to develop a sense of identity and connection with the father, and may be important for the health of the child for doctors to have knowledge of the father's medical history. Paternity establishment is also the first step to establishing an enforceable child support order.

The administration has made paternity establishment a top priority. In fiscal year 1998, an estimated 1.5 million paternities were established and acknowledged. Of these, nearly 615,000 were in-hospital paternities that were voluntarily acknowledged. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) streamlined the legal process for paternity establishment and required States to publicize the availability of and encourage the use of the paternity establishment process.

Paternity Establishment: State Use of Genetic Testing (OEI-06-98-00054)

OIG Recommendation:

OCSE Should Encourage All States to Fully Comply With Welfare Reform Legislation by Giving Their Child Support Agencies Administrative Authority to Order Genetic Testing.

ACF Response:

The report says that two years after the 1996 passage of PRWORA, eight State CSE agencies did not have legislated authority to administratively order genetic testing. Please advise which states lacked this authority. If, since the inspection was conducted, these states are still non-compliant with PRWORA, OCSE will take the necessary steps to obtain compliance. We believe it is in the best interests of our federal-state partnership to focus our effort on the states in question rather than on all states.

OIG Recommendation:

OCSE Should Encourage the Use of Innovative Testing Strategies, Including Buccal Swab Sampling and Collection of Genetic Material at Local Child Support Offices.

ACF Response:

We will promote the good ideas identified in the report through the OCSE newsletter and by making more information available on the OCSE internet site. These ideas include: using buccal swab as an effective and accurate substitute for blood tests, particularly when drawing blood may be a barrier; enabling local staff to perform buccal swab tests for convenience and quick turnaround. We will also suggest that states consider writing into their lab contracts the need for returning test results rapidly. State agencies will be encouraged to share this information with local offices and with any courts which may not be aware of the accuracy of the buccal swab procedure.

OIG Recommendation:

OCSE Should Encourage States to Exercise Care in Allowing Genetic Testing in Cases in Which Paternity Has Already Been Established.

ACF Response:

The report gives examples of cases which suggest that the use of post-establishment genetic testing is somewhat controversial. We agree, to an extent. We believe it is in the child's best interest to know the inheritable health issues of her biological parents. In the absence of data on the extent of post-acknowledgement testing, we are not certain the use of post-establishment testing would weaken the voluntary or default procedures. We also believe its use should continue to be at a state's discretion, on a case-by-case basis. Rather than take a federal policy position, we will advise states that your findings suggest they review their own policy and practice for consistency and appropriateness.

OIG Recommendation:

OCSE Should Encourage States to Review Whether Their Recoupment Policies Are Counterproductive to Their Paternity Establishment Objectives.

We believe cost recovery for genetic testing should continue to be a state decision particularly given the mixed opinions among states cited in the report. If full repayment created hardship in an individual case, then recoupment could be collected gradually as part of the support order. Personal responsibility is underscored to the payor by recovering an overpayment. If you are aware of any states with data on effective recoupment practices, we would appreciate having that information for technical assistance purposes.

Miscellaneous Comments:

On page 3, second paragraph, the report says that "...states may be forced to test without the mother if she cannot be located, or is incarcerated or deceased." Current lab technology allows for testing of an absent parent's biological parents and siblings. It also allows for testing of the deceased. Further, those who are incarcerated can be tested.

On page 7, last paragraph, the report talks about multiple partners. Mentioning the single incidence of a case with 19 partners does not strengthen the argument for using genetic tests. It also unintentionally furthers an offensive and negative misconception about the sexual practices of IV-D cases. We recommend excluding the reference to 19 partners.

Paternity Establishment: The Role of Vital Records Agencies (OEI-06-98-00055)

OIG Recommendation:

OCSE Should Promote Notification of Vital Records Agencies When Paternities are Established or Rescinded, and Encourage Automatic Amendment of the Birth Record.

ACF Response:

We agree and will so notify and encourage states. We would appreciate knowing which states the OIG has determined have exemplary practices and those with problematic practices. This will help us target technical assistance.

OIG Recommendation:

OCSE Should Promote State Training of Local Child Support Staff on Methods of Retrieving Data from Vital Records Agencies, and Promote Use of Vital Records Agency Information.

ACF Response:

We will alert all states of the IG findings as an advisory and encourage states to review their training practices. We would appreciate knowing in which states the IG has identified consistent rather than isolated problematic practices so that we may provide for targeted technical assistance. At this time, we believe focused assistance is the more efficient use of federal resources and reserve the right to reconsider our position.

OIG Recommendation:

OCSE Should Encourage States to Make Training and Materials on Acknowledgement Procedures Created for Hospital Staff Widely Available to Local Vital Records Agency Staff.

ACF Response:

We agree, and will recommend that states make relevant training and materials available to vital records agency staff.